MR. S. NARAYANA AIYAR: I second it.

The motion was put to vote and carried.

PREAMBLE AND TITLE.

The question that the Preamble and Title do stand part of the Bill, was put to vote and carried.

The Preamble and Title were added to the Bill.

MR. N. RAMAKRISHNA PILLAI: I beg to move that the Bill be passed

MR. S. NARAYANA AIYAR: I second it.

The motion that the Civil Procedure Code (Amendment) Bill be passed was put to vote and carried.

The Bill was passed.

THE TRAVANCORE LIMITATION ACT (AMENDMENT) BILL.

MR. N. RAMAKRISHNA PILLAI: I beg to present the Report of the Select Committee on the Travancore Limitation Act (Amendment) Bill and move that the Bill, as reported by the Committee, be taken up for consideration.

MR. S. NARAYANA AIYAR: I second it.

The motion was put to vote and carried.

Clauses 1 to 4.

The question that Clauses 1 to 4 do stand part of the Bill was put to vote and carried.

The clauses were added to the Bill.

PREAMBLE AND TITLE

The question that the Preamble and Title do stand part of the Bill was put and carried.

The Preamble and Title were added to the Bill.

MR. N. RAMAKRISHNA PILLAI: I move that the Bill be passed.

MR. S. NARAYANA AIYAR: I second it.

The motion that the Travancore Limitation Act (Amendment) Bill be passed was put to vote and carried.

The Bill was passed.

THE TRAVANCORE TRADE BOARDS BILL.

MR. N. RAMAKRISHNA PILLAI: I beg to present the report of the Select Committee on the Travancore Trade Boards Bill and move that the Bill as reported by the Committee be taken into consideration.

MR. S. NARAYANA AIYAR: I Second it

Clause 2.

MR. K. G. KESAVAN NAIR: Sir, I move:

In Clause 2, Sub-clause (c) in the second line after "business" and before "agriculture" delete the word "including" and substitute the word "excluding."

As far as I can understand when the bill was framed in the first instance, "agriculture" was not intended to be included in the Bill. What I submit is that the inclusion of the term "agriculture" in the term "trade" will lead to very serious consequences. In the objects

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[Mr. K. G. Kesavan Nair.]

and reasons of original Bill, it was clearly stated that the circumstances that led to the framing of such a bill, was a report submitted by a board appointed by the Government to go into the question of the conditions of factories and the conditions of the labourers who are employed in factories and how their wages are fixed and so on. The board deputed for that purpose, submitted their report in which it was demanded that some legislation may be enacted so that some boards may be constituted for the purpose of determining the wages to be paid to the labourers by the employers of all the factories. Now it is doubtful whether that board which was deputed by the Government considered the question of the labourers of agriculture.

PRESIDENT: Order, order. I wanted to refresh my memory. There was not that fact, that it was in favour of including 'agricultural labour' in this bill. I should be corrected if I am wrong. But I have a distinct impression that the word 'agriculture' is expressed in favour of the 'agricultural labourer.'

MR. K. G. KESAVAN NAIR: And the Committee deputed by the Government to enquire into the conditions of labour in factories, was not called upon to enquire into the agricultural labour also. The Bill was framed as per the report submitted by the said board, and the board had no powers to enter into the conditions of the agricultural labour. Further, in the objects and reasons, it is also said that several associations made representations to the Government urging the necessity of legislation on this matter, and what I submit is that .....

MR. K. G. KUNJUKRISHNA PILLAI: For the information of the honourable member I may explain the position. We have also representations from the Labour Union specially demanding that the.....

PRESIDENT: Order, order. This is a very important matterd. We shall take the vote of the House in the matter.

MR. K. G. KESAVAN NAIR: As far as my knowledge goes, there are no associations in the State which deal with the agricultural labour. In the case of agricultural labour the labourers are not employed by the employers throughout the year. These agricultural labourers are employed only for very short periods and the landlords do not generally employ these agricultural labourers throughout the year. As the fragmentation of holdings in the State has advanced to such an extent that the agricultural owners do not own very large extents of land, there is no necessity for employing large number of employers on agricultural estates. The labourers also on their part, do not stick up to one estate or to one employer. If a set of labourers are working under a particular agricultural landlord for one week, the next week they will be employed by some other agricultural landlord. In factories these labourers are paid daily or once in a week. In the case of agricultural landlords, they are not always in possession of money and they do not always pay daily. These agricultural labourers may be tenants at will of certain proprietors and the payments in most cases will be in kind and not in cash. At the time of harvest, they may be given a portion of paddy. It is also provided in the Bill, that the agricultural land owners must maintain records and

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registers of these labourers. That is also not possible in the case of these small land owners. Then there is another circumstance which must be seriously considered. As far as the agricultural labour is concerned there is not much trouble at present, in the State and if according to the suggestion of the Select Committee, the agricultural labour is also included in the bill, there will come into operation several associations of the agricultural labourers and in course of time that will lead to serious confusion, in a field where there is no trouble at all at present. If we include the term 'agriculture' also in the definition of trade, what I submit before the House is, that we are taking a false step thereby paving the way for creating very great trouble in the future. Therefore I recommend, that this amendment may be unanimously accepted by the House.

MR. P. S. MAHOMED : ഇതേ അമൻഡുമെൻറുതന്നെയാണ് ഞാനും അവതരിപ്പിച്ചിട്ടുള്ളത്. അഗ്രികൾച്ചറൽ ലേബറിനെ ഇൻഡസ്ട്രിയൽ ലേബറുമായി കൂട്ടിയിണക്കിയിടുകയാണു ചെയ്തിരിക്കുന്നത്. അതുകൊണ്ട് പല വൈഷമ്യങ്ങളും ഉണ്ടാകാൻ ഇടയുണ്ട്. മുമ്പ് ലേബർ അക്ററുകാര അസംബ്ലിയിലും കൗൺസിലിലും അവലോചനയ്ക്കു വന്ന അവസരങ്ങളിലെല്ലാം അഗ്രികൾച്ചറൽ ലേബറേഴ്സിനേയും ഇൻഡസ്ട്രിയൽ ലേബറേഴ്സിനേയും തമ്മിൽ കൂട്ടിയിണക്കിയിട്ടില്ല. അങ്ങനെ ഈ രണ്ടുതരം തൊഴിലാളികളേയും ഒരുപോലെ ബന്ധിക്കുന്ന ഒരു നിയമം ഉണ്ടാക്കുന്ന പക്ഷം കുഴപ്പം വർദ്ധിക്കുകയേ ഉള്ളൂ എന്നാണ് എന്റെ അഭിപ്രായം. നല്ല ആദായമെടുക്കുന്ന ഒരു ഫാക്ടറി ഉടമസ്ഥൻ തന്റെ തൊഴിലാളികൾക്കു കൊടുക്കുന്ന കൂലിയും വളരെ ക്ലേശിച്ചും വിഷമിച്ചും കടത്തിൽ മുങ്ങിയും കഴിഞ്ഞുകൂടുന്ന ഒരു കൃഷിക്കാരൻ തന്റെ തൊഴിലാളികൾക്കു കൊടുക്കുന്ന കൂലിയും തമ്മിൽ ഇന്നു നിലവിലിരിക്കുന്ന സമ്പ്രദായം വച്ചു നോക്കുമ്പോൾ താരതമ്യപ്പെടുത്താവുന്നതല്ല. ഇരുകൂട്ടരേയും ബന്ധിക്കുന്ന ഒരു നിയമം ഉണ്ടായാൽ ഒന്നിന്റെ ഫലം മറ്റതിനെ നിശ്ചയമായും ബാധിക്കേണ്ടിവരും. ഒന്നുകിൽ വ്യവസായത്തിൽ ഏർപ്പെട്ടിരിക്കുന്നവരുടെ കൂലി അഗ്രികൾച്ചറൽ ലേബറിന്റെ കൂലിയനുസരിച്ചു കുറയ്ക്കാനുള്ള ഒരു ടെൻഡൻസി ഉണ്ടാകും; അതല്ലെങ്കിൽ അഗ്രികൾച്ചറൽ ലേബറിന്റെ കൂലി കൂടേണ്ടിവരും. ഇരുകൂട്ടരേയും പ്രത്യേകം ബന്ധിക്കുന്ന നിയമങ്ങൾ പ്രത്യേകമായിത്തന്നെ ഉണ്ടാക്കുകയാണ് വേണ്ടത്. അല്ലാതെ ഈ രണ്ടു തൊഴിലാളികളേയും കൂട്ടി ഇണക്കുന്നതു നല്ലതല്ല.

MR. S. KRISHNA AIYAR (*Nominated*) : I second it. But I wish to add further that in consultation with other members of the Assembly I find that originally agricultural labour was not intended to be included in the Bill. It was only during the Select Committee stage that this suggestion was made and agricultural interests were never

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[Mr. S. Krishna Aiyar.]

even consulted. It has not been specifically placed before this House. Members should have an opportunity of studying the whole Act and then discuss it in the Assembly. The public has no knowledge that agricultural labour was going to be included and therefore I heartily second the motion.

MR. J. W. TOLSON (*The Travancore Planters*): I would like to place before the House the attitude of the planters of tea and rubber. Now under the Trade Boards Bill we feel that while plantations which concern field work have to be included under the Trade Boards Bill, agriculture has not been included in the Bill. I fail to see why the distinction comes at the labour Committee regarding the estate where labourers are working in the fields as against the agriculturists. In the discussion that took place in the Select Committee the question of agriculture was raised. I feel that the attitude of the planters of tea and rubber is to include agriculture also under the provisions of the Bill. Therefore I have no objection to the Bill being recommitted.

MR. P. K. KURIAKOSE: സർ, ട്രേഡ് എന്ന പദത്തിനു് അഗ്രികൾച്ചർ എന്നും ഇൻഡസ്ട്രി എന്നും ഉള്ള അർത്ഥം കൊടുക്കണമെന്ന നിലയിലാണു് ഈ ബിൽ ഇവിടെ അവതരിപ്പിച്ചിരിക്കുന്നതു്. അങ്ങനെ അർത്ഥം കൊടുക്കുകയാണെങ്കിൽ ഏതെല്ലാം തരത്തിലുള്ള ബില്ലുകൾ വേണമെങ്കിലും ഈ അർത്ഥവ്യാപ്തിക്കുള്ളിലുൾപ്പെടുത്തി കൊണ്ടുവരാൻ കഴിയുന്നതാണു്. കൃഷിവകുപ്പിനെയും വ്യവസായവകുപ്പിനെയും സംബന്ധിക്കുന്ന രണ്ടു തൊഴിലാളികളെ മാത്രം ഉൾപ്പെടുത്തിയാണു് ട്രേഡ് എന്ന പദം ഇവിടെ ഉപയോഗിച്ചിട്ടുള്ളതു്. ഈ ബില്ലിനെപ്പറ്റി ആലോചിക്കുവാൻ ഏർപ്പെടുത്തിയിരുന്ന കമ്മിറ്റി റിപ്പോർട്ട് ചെയ്തിരിക്കുന്നതും ആ അർത്ഥത്തിൽ തന്നെയാണു്. എന്നാൽ ചുരുക്കം ചിലർക്കു് ട്രേഡ് എന്നുള്ള വാക്കിനു കൃഷി എന്നുള്ള അർത്ഥം കൂടി കൊടുക്കണമെന്ന അഭിപ്രായമുണ്ടായി. അതനുസരിച്ചു കൊണ്ടുവന്നിരിക്കുന്ന ഒരു ബില്ലാണു ഇപ്പോൾ ആലോചനാവിഷയമായിരിക്കുന്നതു്. അതു് ഒരിക്കലും ശരിയല്ല.

PRESIDENT: Order, order. The honourable member may perhaps confine his observations on the motion before the House, the immediate purpose of the motion being that the Bill be recommitted for the purpose of considering this question of inclusion of agriculture in that definition. If the honourable member will confine his observations to that matter, it would be more useful.

MR. P. K. KURIAKOSE: അതുകൊണ്ടു് ഇതിൽ കൃഷി ഉൾപ്പെടുത്താൻ പാടില്ലെന്നാണു് എന്റെ അഭിപ്രായം. ഈ ബില്ലിനെ തിരികെ അതേ കമ്മിറ്റിക്കുതന്നെയോ, അല്ലെങ്കിൽ, കുറേക്കൂടി വിദഗ്ദ്ധന്മാരടങ്ങിയ ഒരു

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കമ്മിറ്റിക്കോ അയച്ച് റിപ്പോർട്ടുവരത്തേണ്ടതാണ്. അതിനുശേഷം മാത്രം ഈ ബില്ലിനേപ്പറ്റി ആലോചന നടത്തിയാൽ മതി എന്നാണ് എന്റെ അഭിപ്രായം.

MR. K. A. MAHOMED: I support the motion of Mr. T. P. Velayudhan Pillai that the Bill may be recommitted to the select committee once again, because this is a matter which has to be studied carefully.

RAJYASEVANIRATA S. CHATTANATHA KARAYALAR: The Bill before the House is the result of a committee to which it was recommitted already. Therefore if the resolutions are to be carried out, it is a specific question of inclusion of agriculture and the Committee mus be empowered to take everything into consideration.

PRESIDENT: It is open to the House to take one or two courses — either to commit the Bill or to recommit the Bill to the same committee with the special purpose to consider this aspect *viz.*, the inclusion of agriculture, to take evidence for the purpose and empowering them to take evidence for that purpose. It is also open to the House to commit this Bill to a fresh committee.

The question that the Bill be recommitted to a fresh committee was put and carried.

MR. N. RAMAKRISHNA PILLAI: I beg to move that the Bill be referred to a committee composed of the following members :—

1. The Deputy President.
2. Mr. A. K. Bhaskar.
3. Mr. P. C. Adichan.

RAJYASEVANIRATA S. CHATTANATHA KARAYALAR: On a point of order. I do not know whether any fresh committee is called for. Under standing order 98 (ii) the only motion that is possible is to recommit the Bill to the same committee with instructions to make the desired alterations.

MR. K. G. KUNJUKRISHNA PILLAI: The wording of Standing order 41 does not insist a recommittal to the same committee. Sub-clause 2 says :—

> "If the member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be recommitted."

Unless we put a narrow interpretation on the word 'recommitted', it does not seem necessary to recommit the Bill.

PRESIDENT: I have a recollection that the same question arose in the Legislative Assembly and it was ruled that a fresh committee could be appointed. The honourable members may refresh their memory and I trust that they will have no objection to proceed with the other business. This matter may be taken up as soon as the point is elucidated.

THE TRAVANCORE WAREHOUSE BILL.

MR. N. RAMAKRISHNA PILLAI: Sir, I move that the Bill be read in the Assembly.

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